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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/550,192	04/17/2000	Antony Shui Sum Tang	8446.00	1551

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EXAMINER

KISS, ERIC B

ART UNIT	PAPER NUMBER
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2192

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/550,192

Applicant(s)

TANG ET AL.

Examiner

Eric B. Kiss

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6, 7 and 13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6, 7 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. The reply filed 9 March 2005 has been received and entered. Claims 6, 7, and 13 are pending.

#### ***Response to Amendment/ Arguments***

2. Applicant's arguments with respect to claims 6, 7, and 13 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Specification***

3. The use of trademarks, such as UNIX and WINDOWS, has been noted in this application. Trademarks should be capitalized wherever they appear (capitalize each letter or accompany each trademark with an appropriate designation symbol, *e.g.*, <sup>TM</sup> or ®) and be accompanied by the generic terminology (use trademarks as adjectives modifying a descriptive noun, *e.g.*, "the WINDOWS NT operating system").

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

The specification is additionally objected to for the disclosure on p. 4, in lines 3-4, "...these host systems range from proprietary systems to UNIX and Windows NT systems," which appears to incorrectly suggest that UNIX and WINDOWS NT are not proprietary trademarks associated with proprietary operating systems.

***Claim Objections***

4. Claims 6 and 7 are objected to because of the following informalities: in limitations 6(b)(iii)(A) and 7(b)(iv)(A), “copies” should presumably read --a copy--. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 6, 7, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by David K. Gifford, et al., “Payment Switches for Open Networks,” July 1995, Proceedings of the First USENIX Workshop on Electronic Commerce, New York (hereinafter [GSPT95]).

As per claim 6, [GSPT95] discloses:

a) fabricating a collection of software systems, each of which contains:

i) a processing module which processes content of messages (for example, an authentication module; see the description of the payment system in section 3 on pp. 4-7 and Fig. 2 on p. 7);

ii) a packaging module which packages messages into packets for transport out of the system (for example, a settlement module; see the description of the payment system in section 3 on pp. 4-7 and Fig. 2 on p. 7);

iii) a communication module which accepts and delivers message packets (for example, the system's Internet interface, which accepts and delivers HTTP data; see the description of the payment system in section 3 on pp. 4-7 and Fig. 2 on p. 7); and

iv) a system control module which coordinates the processes of (i), (ii), and (iii) (for example, the payment system software; see the description of the payment system in section 3 on pp. 4-7 and Fig. 2 on p. 7);

b) during the fabrication of paragraph (a),

i) fabricating identical system control modules in all of the software systems (for example, the payment system software; see the description of the payment system in section 3 on pp. 4-7 and Fig. 2 on p. 7);

ii) fabricating identical communication modules in all of the software systems (for example, the system's Internet interface, which accepts and delivers HTTP data; see the description of the payment system in section 3 on pp. 4-7 and Fig. 2 on p. 7);

iii) fabricating packaging modules in all of the software systems, such that:

A) [a copy] of a software unit A is contained in every packing module (the settlement modules described in [GSPT95] are designed to adapt the switch to different financial networks and institutions (see p. 7). In order

to accomplish this, some portion of the modules must adhere to a common interface with the switch. Failing this, the modules would not be capable of providing the adapted functionality);

B) some packaging modules contain a software unit B with no unit C; and

C) some packaging modules contain a software unit C with no unit B

(these limitations are met by the existence of multiple settlement modules, providing the capabilities of interfacing with different financial networks and institutions; when configured for a first financial network through a first settlement module, there would be different code used than when the switch is configured for a second financial network through a second settlement module); and

c) installing the software systems into respective electronic payment switches (see, for example, section 4 on p. 7).

As per claim 7, [GSPT95] further discloses:

step (b) including:

iv) fabricating processing modules in all of the software systems such that:

A) [a copy] of a software unit D is contained in every processing module (the authentication modules described in [GSPT95] are designed to adapt the switch to different authentication protocols (see p. 7). In order to accomplish this, some portion of the modules must adhere to a common

interface with the switch. Failing this, the modules would not be capable of providing the adapted functionality);

B) some processing modules contain a software unit E with no unit F; and

C) some processing modules contain a software unit F with no unit E

(these limitations are met by the existence of multiple authentication modules, providing the capabilities of interfacing through different authentication protocols; when configured for a first authentication protocol through a first authentication module, there would be different code used than when the switch is configured for a second authentication protocol through a second authentication module).

As per claim 13, [GSPT95] further discloses:

d) repeating steps of paragraphs (a) and (b) to thereby modify one or more of the software systems previously fabricated (see the description of the payment system in section 3 on pp. 4-7 and Fig. 2 on p. 7; the system includes modular authentication and settlement components to allow the switch to be readily adapted to new authentication protocols and additional financial networks and institutions).

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2192


8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric B. Kiss whose telephone number is (571) 272-3699. The Examiner can normally be reached on Tue. - Fri., 7:00 am - 4:30 pm. The Examiner can also be reached on alternate Mondays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tuan Dam, can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature should be directed to the TC 2100 Group receptionist: 571-272-2100.

EBK / EBK  
October 14, 2005



TUAN DAM  
SUPERVISORY PATENT EXAMINER